

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA,	)	
	)	
	)	
Plaintiff,	)	
vs.	)	No. 12-CR-00140-PB
	)	
LISA BIRON	)	
,	)	
	)	
Defendant.	)	

**DEFENDANT BIRON'S REQUESTED  
VOIR DIRE QUESTIONS**

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Pursuant to FED. R. CRIM. P. 24(a) and Local Rule 124.1, defendant, Lisa Biron, respectfully requests the Court to include the following matters in its voir dire of the prospective jurors in the trial of this case. Defendant is requesting that the Court, in its questioning of the jury panel, not to limit its inquiry to only family members, but to also include friends and associates. In today's society our friends and associates often affect our beliefs, biases and opinions as much as, if not more so, than family members.

**Child Pornography**

1. In this case, Lisa Biron is alleged to have created, possessed and transported child pornography. At some point in this trial you may have to examine each individual explicit image. Would any one of you, for whatever reason, not be able to examine each and every image?
2. Conversely, most pornography depicting nude adults is legal. Do you believe, or feel,

however, that all forms of pornography should be illegal?

3. The viewing of child pornography may be highly upsetting. Would the viewing of these images alone make you believe that Ms. Biron is guilty of the charges?
4. You may find that the actions of Lisa Biron were morally reprehensible. You may find that her actions shock you. Would you be able, in spite of this, to still apply the law as I will instruct you?
5. If you were to find that Lisa Biron's actions were morally reprehensible, could you find her not guilty of the charges if you were to find that, in spite of your feelings about her acts, that the government failed to prove any element of the charge against her?

**Bias**

6. Do you feel that you possess any kind of personal prejudice with reference to this defendant, this case or this type of case?
7. Do you work with children in activities such as school, sports, church groups, scout leaders, etc. . . ?
8. Are you or a close family member or friend associated in any way with any group or organization that supports victims of alleged abuse?
9. Have any of you or a family member or close friend been the subject of sexual or physical abuse?

**Defendant Testimony**

10. Ms. Biron has already pled not guilty to this charge. Do you feel you must hear her side of the story to reach a fair verdict?
11. Do you understand that the defendant does not have to testify at trial and nothing can be inferred from her not testifying?
12. In a criminal case, a defendant is not required to explain his or her side of the case since the burden of proof does, in fact, rest with the prosecution. Do you have any problem whatsoever abiding by this rule in deliberations and in reaching a verdict?

13. Would you require Lisa Biron to testify before you would even consider a not guilty verdict?

**Presumption of Innocence & Burden of Proof**

14. Do you understand that an indictment is only a piece of paper which notifies the defendant that she is being charged with a crime?
15. Do you understand that an indictment is not evidence that the crime charged was committed and may not be considered as evidence by you in deliberations?
16. Do you understand that the defendant entered a plea of not guilty and is innocent until proven otherwise?
17. Would you, if you had to decide this case right now, without hearing any evidence, find Ms. Biron guilty?
18. Do you believe that it is impossible for an innocent person to be charged with a crime?
19. Do you believe that the United States Government is always right?
20. Have you ever been falsely accused of a crime?
21. Do you have any difficulty whatsoever presuming the defendant innocent now?
22. Do you understand that the government is required by law to prove the defendant guilty beyond a reasonable doubt?
23. Do you believe that the United States Government will not charge a citizen unless they have a very strong case?
24. If the government fails to meet that burden, do you understand that you must find the defendant not guilty?
25. Do you understand that the burden of proof is greater for a criminal case than for a civil case?

**Prior Experience with the Justice System**

26. Have you, or any member of your family or friends, ever been employed by any court as a clerk, bailiff, reporter, or other officer?
27. Have you ever received any legal training, including business law, or been employed by a law office?
28. Do you personally know any judges, lawyers or prosecutors?
29. Members of the Federal Bureau of Investigation and other law enforcement agencies may testify in this case. Will you give more credit to the testimony of such a law enforcement officer than to any other witness, simply because he or she is a law enforcement officer?
30. Have you ever applied for a job with or worked for a law enforcement agency, or in the security field?
31. Have you previously served on a jury, either civil or criminal?
32. Have any of you ever served on a federal grand jury?
33. Have any of you, or members of your family or friends, ever been a party to or testified in a civil or criminal trial or before a grand jury?
34. Have you, or a relative or close friend of yours, ever been a victim of any crime?
35. Would any experience you may have had sitting as a juror in a previous criminal case have any effect on your ability to sit as a fair and impartial juror in this case?
36. Was there anything about your previous jury experience that would lead you to feel that you have some prejudice either for the prosecution/defense or against the prosecution/defense?
37. Have you ever appeared as a witness in a criminal prosecution?
38. Have you ever been a complainant for the prosecution in a criminal charge or trial?

### **Pretrial Publicity**

- 39. There may have been news coverage about this case in newspapers, television or on the internet. Have you read or heard anything at all about this case before coming here today? Keep in mind that even if you have heard about this case it does not mean that you will be necessarily excluded from service. It is essential, however, for me to know what you may have heard. So, again, have you read or heard anything about this case before coming here today?
- 40. I am going to instruct you if you are chosen to serve on this jury you must completely refrain from learning anything about this case from any source outside of this courtroom. That includes doing any internet research. Would you be able to abide by that instruction?

### **Legal Principles**

- 41. If you are chosen in this case, do you know of any reason why you could not sit as an impartial juror?
- 42. If you heard all the evidence and you felt the defendant was probably guilty, that is, you were not convinced that she was or was not, but you thought the evidence showed that she probably was guilty, would you be able to return a verdict of not guilty since she had not been proven guilty beyond a reasonable doubt?
- 43. In a criminal case, the jury's decision to convict a defendant must be unanimous. That is, all 12 jurors must individually vote to convict a defendant. Do you feel that requiring a unanimous verdict is unfair to the government or is otherwise unreasonable?
- 44. If you have reasonable doubt about the defendant's guilt and, after listening to the arguments of your fellow jurors when you retire to consider this case, you still have that reasonable doubt, would you be able stick to your opinion and refuse to change your verdict even though it was an unpopular one or might result in a mistrial?
- 45. Do any of you have any religious or faith based objection to sitting in judgement of another?
- 46. Do you know of any reason, whether asked before or not, which would prevent you

from sitting as a juror in a fair and unbiased manner in the trial of this case, or is there any reason why it would be particularly embarrassing for you to sit as a juror in this trial? In other words, the defendant is entitled to a trial by an impartial jury composed of jurors who are without any biases or prejudices for or against the defendant and who are without any preconceived ideas about this case. If you were the defendant in this case, would you be satisfied with a person like yourself sitting on the jury?

Respectfully submitted,

/s/ James H. Moir

**JAMES H. MOIR, #1783**

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Attorney for Defendant

Lisa Biron

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of December, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which sent e-mail notification of such filing to all CM/ECF participants in this case, and a copy was mailed, via the United States Postal Service, to all non-CM/ECF participants.

/s/ James H. Moir

**JAMES H. MOIR**